

7Ja '35

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# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM

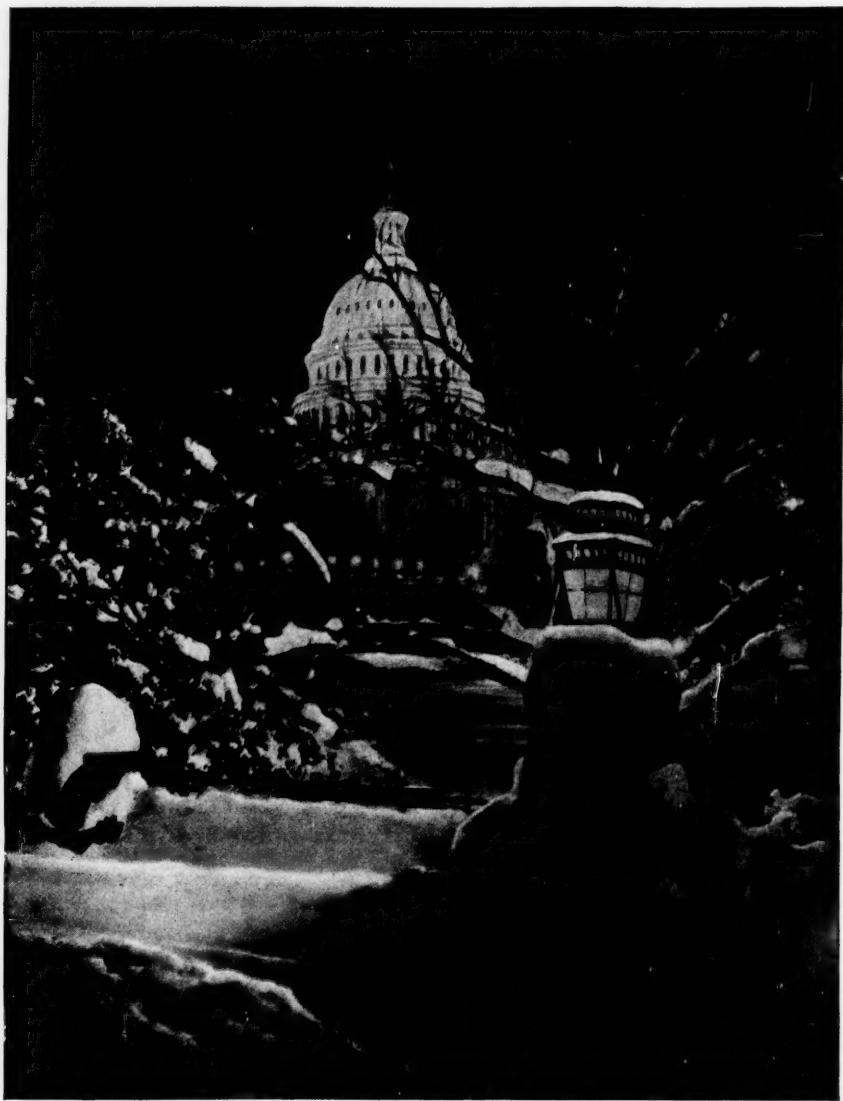


PHOTO BY HORYDCZAK, WASH., D. C.

A WINTER NIGHT SCENE IN WASHINGTON



**LIBERTY FALLEN ON HARD DAYS**  
**MODERN CALVINISM—RIGHTS OF CONSCIENCE**  
**A SAFEGUARD TO HUMAN LIBERTY**



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# Religious Liberty Association

## DECLARATION OF PRINCIPLES

1. We believe in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ.
2. We believe that the ten commandments are the law of God, and that they comprehend man's whole duty to God and man.
3. We believe that the religion of Jesus Christ is founded in the law of love of God, and needs no human power to support or enforce it. Love cannot be forced.
4. We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights and to rule in civil things, and that in this realm it is entitled to the respectful obedience of all.
5. We believe it is the right, and should be the privilege, of every individual to worship or not to worship, according to the dictates of his own conscience, provided that in the exercise of this right he respects the equal rights of others.
6. We believe that all religious legislation tends to unite church and state, is subversive of human rights, persecuting in character, and opposed to the best interests of both church and state.
7. We believe, therefore, that it is not within the province of civil government to legislate on religious questions.
8. We believe it to be our duty to use every lawful and honorable means to prevent religious legislation, and oppose all movements tending to unite church and state, that all may enjoy the inestimable blessings of civil and religious liberty.
9. We believe in the inalienable and constitutional right of free speech, free press, peaceable assembly, and petition.
10. We also believe in temperance, and regard the liquor traffic as a curse to society.

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A MAGAZINE OF RELIGIOUS FREEDOM

VOL. 30, No. 1, FIRST QUARTER, 1935

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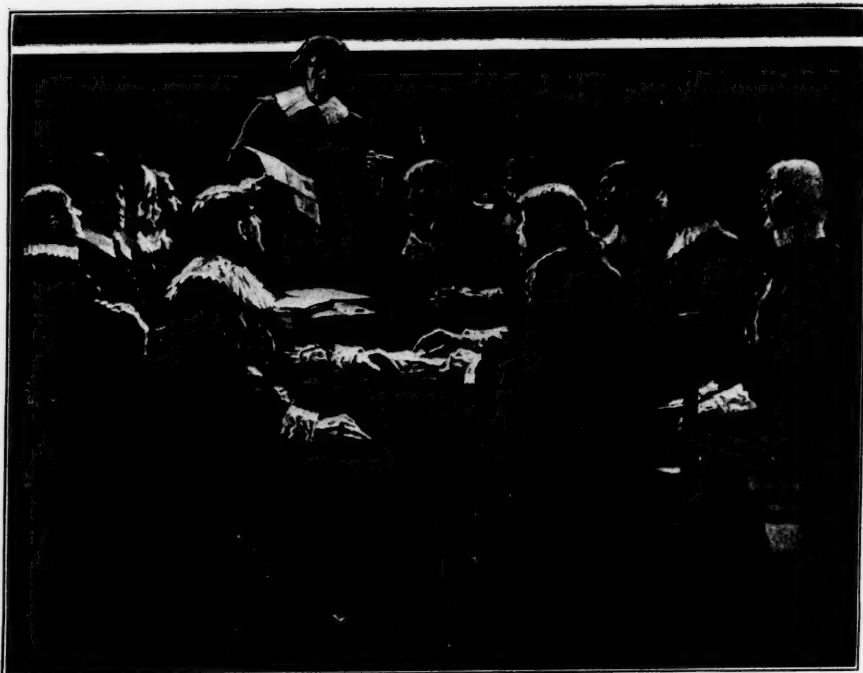
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F. LUIS MORA. ARTIST

# LIBERTY

Fallen on

# HARD DAYS

By  
Russell Quinn

"He [the common man] was given a voice in the government even back in the eighteenth century."

**F**ATE has a habit of playing ironic tricks on history. With the beginning of the industrial era, over a century ago, it appeared that at last man would be able to triumph over his environment, that the machine would make him free, that no longer would he have to slave all day with his hands for the pittance that would keep him alive. The machine would do the work. In time his work would be reduced to a minimum of a few hours a week, and the rest of the time he would be free to enjoy life as he wished.



Indeed, this whole idea of freedom permeated all social, political, and economic thought throughout the entire nineteenth century. Never before in the history of the world was so much thought given to the common man. He was idealized. Social workers went down into the slums and worked for his betterment. Economists preached of the Utopian future, when the machine would do all his work. And he began to figure in politics to a degree that had no precedent.

In England, the birthplace of liberty,



he was given a voice in the government even back in the eighteenth century. The idea of slavery became abhorrent. Government by the people was the thing. Men were created politically equal. The idea grew by leaps and bounds. The United States was founded on that principle. France staged a bloody Revolution, and finally emerged a republic. Bismarck welded the German confederation into a nation, and formed a Reichstag—not a pure republic, to be sure, but a step that way. Di Cavour, down in Italy, persuaded the warring princes to forsake their medieval ways and unite as a modern nation. The Hapsburgs began to pay some attention to their heterogeneous peoples. Alexander freed the Russian serfs. The Turkish sultan was driven from the Balkans. The voice of the people was beginning to be heard increasingly by those in the seats of the

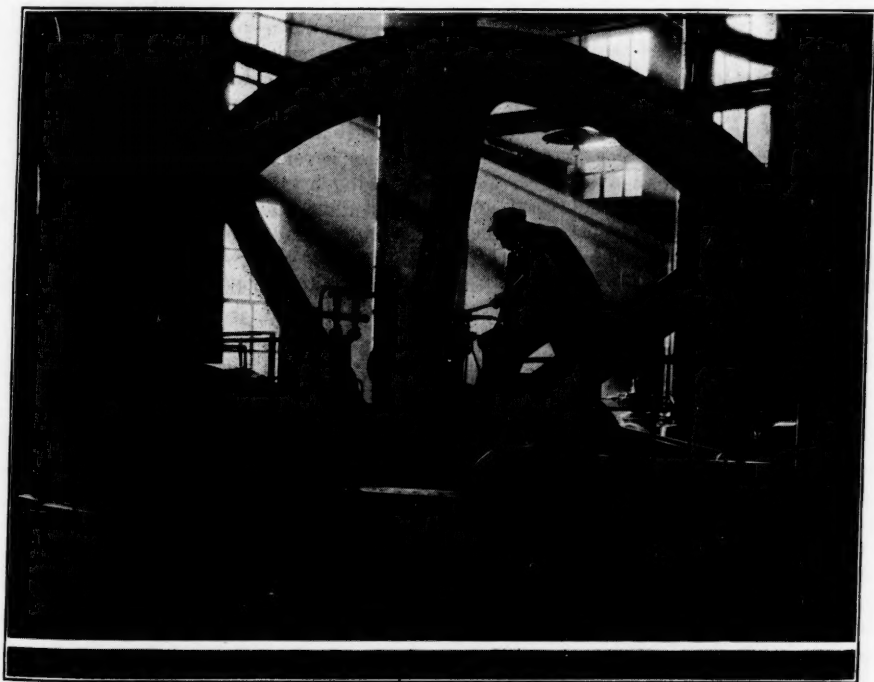
"The machine which was to free man seems now on the verge of ensnaring him."

mighty. The machine, the social worker, the politician, were all striving to obtain more and more freedom for the common man.

And the effect was telling. The slums began to be livable. The worker found his working day shorter, and was allowed to cast his ballot on election days.

With the opening of the twentieth century the idea of freedom gained even greater momentum until, in 1914, a great war was fought for it. Millions of men went to their death under the impression that they were making the world safe for democracy. And when the debacle was over, it seemed that they had been successful. All the princely kingdoms of Europe had fallen or been replaced by republics. The Hapsburg dynasty, which had been too slow in listening to the voice of its people, had its empire cut up into several republics. The Russian czar was killed, and communism sprang up in that country for

(Continued on page 20)



EWING GALLOWAY, N. Y.



## The Spirit of the Founding Fathers

**I**N 1784 a small company of patriots, after the war of the American Revolution was ended, feeling the need of new land and fresh beginnings, left the town of Durham, Connecticut, and crossed the country to the Hudson River, moved up the Hudson to Catskill, and then marched inland, carrying their guns, axes, and knapsacks, to a beautiful hill, where they cleared the forest and founded Durham, New York. They built a church on the top of the hill, and their little settlement surrounded it.

When "the original nine" organized the church, they sat on a large hemlock log, "with nothing between their bare heads and the blue sky above them—a grand, solemn, and impressive sight." These nine men were true Americans, of sterling character, typical of the founders of this Republic. They had fought for freedom in America and for the establishment of certain ideals in government.

Having established their right to liberty by armed force, they settled down to live boldly in the prerogatives of their freedom, never doubting that it would

last forever. As they sat on the hemlock log, they wrote a church covenant, which has been preserved, and which reveals the spirit of freedom that animated their every action. The English is clear; the literary style is fine and sweetly balanced:

"This covenant . . . witnesseth that we, being by the grace of God free and independent, do of our own voluntary act and free choice mutually agree and covenant to form a society for the support of the gospel ministry," etc.

Here we have it clearly stated: freedom and independence, their own voluntary act and freedom of choice, based on a mutual agreement for the support and propagation of religion. That was the true spirit of the founders of this Republic and the home builders of the nation. They had no settled and well-established government to look to at this critical time immediately following the Revolution, which ended in 1783. Knowing that they had to rely upon their own initiative and their own strength to carry out the ideals of American freedom which they had just won, they acted

accordingly. They knew they had to act for themselves, and to look to the preservation of the ideals of American freedom through their own efforts, and they did. They had no Federal Constitution or bill of human rights to guide them in the setting up of their local government. But they knew what they had fought for, and they planned to preserve that precious heritage of civil and religious freedom in their own town government.

On that same hill, the descendants of those sturdy pioneers met recently to commemorate the 150th anniversary of the founding of their town. It was also a grand, solemn, and impressive sight when those who have inherited Durham gathered on the hill against the blue of the mountains, with nothing between their heads and the blue vaulted summer sky, to honor their forebears and revere their ideals. They sang "America," and the old-time hymns of their ancestors. They prayed reverently and sincerely, reviewed the history of their town, and unveiled a tablet to the honor of "the original nine" who founded their town.

It is well for Americans, in these turbulent and uncertain times, when the ideals of the founders of the Republic concerning individual rights are dubbed as antiquated, to recur frequently to these fundamental principles of government which our forefathers gave us and which have made this the greatest and most prosperous nation in the world.

Both the church and the state can learn lessons of profit by a frequent recurrence to the ideals and principles of government as conceived by these sturdy men who gave us our heritage of civil and religious freedom. The recognition of freedom of choice in religious matters would nullify all existing religious laws on our modern statute books. It would keep the church out of politics, and the state from meddling with religious matters, and from giving legal sanction to church dogmas and financial aid to religious institutions.

The New Dealers who seem to be try-

ing to regulate every phase of human life, and to believe they have a right to legislate upon every subject under heaven, may think that the Old Dealers who gave us our Constitution and bill of human rights were ignorant and short-sighted, and unable to frame a Constitution to meet future emergencies. But the Constitution was framed, and the bill of human rights was incorporated, in the matchless document at a time when America faced the greatest financial crisis in all its history.

Democracy and the Constitution have not failed us, but some Americans have deserted democracy and the Constitution, and have failed to defend and protect it against all foreign and domestic foes. Americans must not sell their heritage of freedom bequeathed them by their forefathers, in lieu of temporary material advantage. Liberty is worth more than money any day. Patrick Henry said: "Liberty, the greatest of all earthly blessings—give us that precious jewel, and you may take everything else." It is better to die a free man than to live a fat slave.

C. S. L.



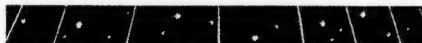
## TRUE CHARITY

BY DON MORTON

STAR of love and charity, still shine down  
Upon the wanderers' way;  
The misty gloom descends on many souls,  
Let them not go astray.

And through the deepening gloom of night,  
When day is done and gone,  
Your love, like a bright guiding star,  
Must lead them safely on.

This, coercion by law can never do  
With ever heavy rod;  
For love alone can win the wanderers  
And woo them back to God.



# The FOUNDATION of the Rights of Conscience

By C. P. Bollman

**I**N this time of stress and strain, when the very foundations of our national political system are being shaken, it may be well for us to examine with care the principles underlying the rights of the individual conscience.

We have all been too prone to think of freedom of conscience, in America at least, as resting upon the First Amendment to our national Constitution. But constitutions may be changed, or even ignored without verbal change, in which case we should understand once for all that rights of conscience are God given, and that though these rights may be invaded, they cannot be destroyed, nor can the laws of nature and of nature's God be abrogated by any human authority, however great its physical power may be. They will arise even from the ashes of centuries to condemn those who have violated them



F. DIELMAN, ARTIST

and to give martyr crowns to those who have died in their defense.

It has been well said by George Bancroft that—

"No one thought of vindicating liberty of religion for the conscience of the individual, till a voice in Judea, breaking day for the greatest epoch in the life of humanity by establishing for all mankind a pure, spiritual, and universal religion, enjoined to render to Caesar only that which is Caesar's. The rule was upheld during the infancy of this gospel for all men. No sooner was the religion of freedom adopted by the chief of the Roman Empire, than it was shorn of its character of universality, and enthralled by an unholy connection with the unholy state; and so it continued till the new nation,—the least defiled with the barren scuffings of the eighteenth century, the most sincere believer in Christianity of any people of that age, the chief heir of the Reformation in its purest form,—when it came to establish a

government for the United States, refused to treat faith as a matter to be regulated by a corporate body, or having a headship in a monarch or a state.

"Vindicating the right of individuality even

in religion and in religion above all, the new nation dared to set the example of accepting in its relations to God the principle first divinely ordained in Judea. It left the management of the temporal things to the temporal power; but the American Constitution, in harmony with the people of the several States, withheld from the Federal Government the power to invade the home of reason, the citadel of conscience, the sanctuary of the soul; and not from indifference, but that the infinite Spirit of eternal truth might move in its freedom and purity and power."

Legitimate civil power must be limited to civil affairs. Life, liberty, and the pursuit of happiness must be safeguarded, but not infringed.

As pertaining to natural rights, all men are created equal, and are endowed by their Maker with a right to life, liberty, and the pursuit of happiness.

The writer believes that true happiness is found only in the service of the God of the Bible; but some do not believe as I do, and the God that I worship has given them the physical right to believe and to live as they please, subject only to such restraints as are necessary to safeguard the equal rights of their fellow men.

In Russia, under the czars, the Greek Church was supported by the state, and all other forms of religion were banned. Now the tables are turned, and atheism has well-nigh stamped out freedom of conscience, ruling with an iron hand.

The atheistic state does not burn at the stake those who adhere to some form of the Christian religion, but it makes it impossible for those who would preserve a conscience void of offense toward God, to do this, and at the same time earn a livelihood; and so there are men, women, and children starving for conscience' sake in the midst of plenty.

There is nothing more intolerant and cruel than atheism. The only man who is truly tolerant is the man who realizes that the rights of all other men are equal to his own, and who therefore respects the rights of his fellow men, even though believing that they are wrong.

There is nothing more bitterly cruel than intolerance. Our forefathers knew

this to be true, and sought to cut the ground from under it by the words in the First Amendment to our national Constitution:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

So far, Congress has been restrained in some measure by that constitutional provision; let us hope that the Seventy-fourth Congress will respect the First Amendment to our Federal Constitution, and that those members who make a profession of Christianity will bear in mind and heed the voice from Judea.



### Is Religion a Political Necessity?

**T**HE *Christian Statesman* would have all men to believe that what it calls "good Sunday laws" are essential not only to the preservation of religion, but of the state as well.

But history proves that there is no truth in such an assertion. On the contrary, it is an indisputable fact that Christianity made its most wonderful progress in the Roman world during the first three centuries, when the only Sabbath law was the fourth commandment of the decalogue given by the Creator amid the thunders of Sinai,—“Remember the Sabbath day, to keep it holy.”

During the first three centuries of the Christian era, up until the time of Constantine, Christianity was everywhere “spoken against,” as declared in Acts 28:22. The Roman emperor and governors persecuted the Christians, not because they delighted in bloodshed, but because they deemed unity of religion essential to political unity, and therefore essential to political stability and the preservation of the empire. Some of the best of the Roman emperors were the worst persecutors of Christians, for the reason that they did it from a sense of duty to preserve intact the Roman state.

But the history of our own country, the United States of America, disproves

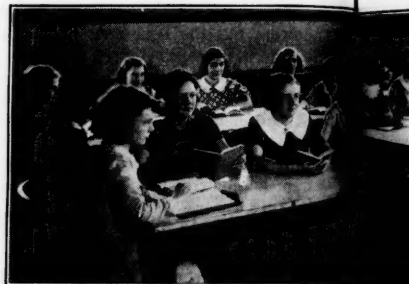
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# RELIGIOUS INSTRUCTION

## Denominational Doctrine Actually Being Taught in the Public High Schools of Gary, Indiana

By F. L. Abbott



J. C. ALLEN

**A** MOST unheard-of thing has happened—a Catholic priest is teaching religion in the public schools of Gary, Indiana. The *Gary Post-Tribune*, under date of September 1, 1934, said:

"Appointment of Rev. Frederick Westendorf as supervisor of religious instruction in the Gary public schools was announced yesterday by Rev. Bishop John Francis Noll, of the Fort Wayne diocese of the Roman Catholic Church. The assignment has been approved by William Wirt, superintendent of the public schools. Father Westendorf's salary will be paid by the diocese, it was announced.

"Under the tutelage of Reverend Westendorf, a course in sacred Scripture and Bible study will be offered in the public high schools as a special subject fully accredited by the State. During the first semester of this year, the priest will teach six hours a day at Froebel and Lew Wallace, during the second semester at Horace Mann, Tolleston, and Emerson. Nuns of Mercy Hospital will take over the instruction of the classes when Father Westendorf is absent.

"Though the course is open to young people of any religious affiliation, it will probably appeal for the most part to children of Catholic parentage."

The plan is actually being carried out. Father Westendorf is teaching one day each week in each of the five high schools in Gary. The other four days of the week the instruction is given by a nun. The subject taught is called "Religion," and is fully accredited by the State.

Gary has always been very liberal toward religious instruction for children. In times past, children have been permitted to leave the school and go to

the church, where for an hour their priest or minister would instruct them on religious topics. Now Gary has become still more liberal—religion is being carried right into the common schools.

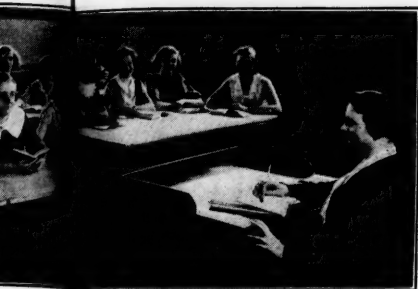
It is claimed, of course, that this privilege is not limited to the Catholic Church, but that any other church may have the same opportunity to teach its faith. Another denomination is already planning to place a teacher in some of the Gary high schools.

We wonder what would happen if all denominations—Methodists, Baptists, Presbyterians, Congregationalists, Seventh-day Adventists, Christian Scientists, Spiritualists, Mormons, and others—should apply for the same privilege. Would time be granted for the teaching of all these religions? and if so, where would time be found for the teaching of secular studies? Certainly there would have to be a limit somewhere, if all denominations wished to teach their respective religions. But where could a stop be made with fairness to all? Has not a dangerous precedent been established in the Gary schools?

Dr. Wirt, superintendent of Gary public schools, has approved the assignment of Father Westendorf as supervisor of religious instruction. How many other assignments would he approve of? Would he discriminate between religions? With which denomi-

(Continued on page 21)

# N IN THE PUBLIC SCHOOLS



## The People of California Overwhelmingly Against the Teaching of Religion by the State

By Daniel A. Ochs

**J**UST now there is considerable agitation in some States, like Ohio and Indiana, on the part of a certain religious organization, to require religious instruction to be given in the public schools or to obtain State aid for the support of parochial schools where religion is taught. Quite recently such an attempt was made in California, notwithstanding the fact that the State constitution expressly prohibits, through its guaranties of religious freedom, the making of religious instruction a part of the public school curriculum. Not infrequently these efforts on the part of religious organizations succeed, as in Gary, Indiana, where a Catholic priest has been appointed to give religious instruction in the public schools of that city.

This question of compulsory religious instruction under the state support and sanction in the public schools, as well as compulsory Sunday observance legislation, obviously presents a controversial issue. It may be of interest and profit to learn how this proposal to allow the teaching of religion in the public schools worked out in California, and how it was finally settled by the people on a popular referendum.

The constitution of California expressly states:

"No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the ex-

clusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught or instruction thereon be permitted, directly or indirectly, in any of the common schools of the State."—*California Constitution, Article IX, Section 8.*

An attempt was made in 1926 to revise this provision in the State constitution, so religious instruction might be given. After the required number of signatures of registered voters was secured, the initiative measure, No. 17, in the form of an amendment to the State constitution, was placed upon the ballot for the vote of the enfranchised citizenry.

The character of this proposed amendment is given in the following summary taken from the State documents:

"The purchase, with public funds, and use of the Holy Bible in the schools of this State shall not be deemed a violation of the State constitution, and a copy of the Holy Bible shall be placed in every public school library and in every public school classroom, and may be studied in any part of the daily school exercises; but no pupil shall be required to read the Bible, or hear it read, contrary to the wishes of his parents or guardian."

### Arguments For and Against

With this issue—of amending the State constitution, thus providing a place for the Bible in the public schools—squarely drawn, both forces, for and against, went before the voters of the State for their support.

(Continued on page 22)



# PASSING JUDGMENT

## • An Old Religious Fallacy Exploded •

By Heber H. Votaw



THE threshing season was on, and the traction engine's whistle called the neighbors to "trade work" with the owner of the farm into whose lane the "outfit" was entering. A lad of sixteen, town bred, but large for his years, was among those who answered the signal. The hard work of the morning made him almost ravenously hungry, and he was quick to respond to the dinner bell. In a very short time all the menfolk washed their faces, combed their hair, and came trooping into the house for the meal, which exhibited the skill of the best cooks in the neighborhood.

The community was a religious one. Some one was called on to offer thanks for the food. The little silence that followed this was broken by a remark to the effect that a barn near by had been struck by lightning and it and its contents burned. The intimation was made that it was probably a judgment from God, since the one who had suffered the loss had been careless about Sunday observance. Our boy was at that stage where religious questions interested him. He went to church and heard the religious people talk of God's justice in dealing with men, and he heard the skeptics of the little town near by question everything taught in the Scriptures when he sat on the verandas of the stores on summer nights. In his heart he resented the idea that the Creator had singled out and punished one for a

supposed infraction of one of His commands. He was surprised and disappointed that apparently everybody at the table held to the view that the fire was evidence of God's wrath.

One man in the crew had already arrested the lad's attention. He had not spoken, but there was something about his appearance that seemed to indicate both benevolence and intelligence. When it appeared that the unfortunate farmer who had lost his material things by fire was also in imminent danger of being consigned to perdition by his neighbors, the silent one spoke. It was evident that his opinions commanded respect, because there was immediate attention when his voice was heard. His first words were:

"If God were to deal with each of us according to our deeds, giving justice without mercy, where would we be?"

The silence that followed was almost painful. Everybody looked at his plate for a while, before even venturing a glance at his neighbor. On a good many faces there appeared a red that could be seen in spite of the tan. Some were inclined to argue about the implication of the question, while others were frank enough to admit they had spoken hastily in condemnation of their neighbor.

(Continued on page 26)

# A Supposed Sunday Closing Law

## Turns Out to Be a

### Saturday Observance Statute

**F**OR several months now the ministers and church people particularly of Seattle have been urging the strict observance of a Sunday closing law for certain kinds of businesses in the State of Washington. In retaliation, the busi-

ness concerns involved have resurrected an old blue law, which, if enforced, would practically close all places of amusement.



ness concerns involved have resurrected an old blue law, which, if enforced, would practically close all places of amusement.

However, after a close examination by attorneys interested in the issue, it was discovered that, technically speaking, this particular law would close everything on Saturday instead of Sunday, because the framers of the statute failed to place in the law the usual identifying phrase, "commonly called Sunday," after the word "Sabbath" in the law. The attorneys reasoned, and logically so, that because of this omission, the orthodox and legally accepted definition of the word "Sabbath" could be

applied only to Saturday, the seventh day of the week. Both the law books and the Bible, as well as the up-to-date dictionaries, define the Sabbath as falling on the last day of the week, and not on the first day. The Sabbath has been designated as the seventh day of the week from time immemorial, and is so specifically distinguished in the decalogue.

Therefore many attorneys of the State of Washington affirm that since 1909, when the State legislature enacted a "Sabbath" law, and failed to designate it as referring to the first day of the week, the State has had a Saturday closing law.

This disclosure has been broadcast widely by both the press and the radio, and it has set the preachers who advocated the closing of business places on Sunday to thinking. Do the preachers who observe Sunday want this law enforced as it reads and as the attorneys interpret it? If the preachers are desirous of having the employees get a day of physical rest, irrespective of what their own personal religious convictions may be, why not rest on Saturday, as the Washington law says they should? A person can rest physically just as well on one day as on another. But no, the Seattle clergymen insist that Sunday is the day people ought to be compelled to observe by law, because their creed prescribes that day. It is not the man they seek to protect, but the particular day which they observe they want protected by law.

We shall be interested to see how the

(Continued on page 27)

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## Superior Court Rules

# Sunday Closing Clause

of the

## California Barbers' Code

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# UNCONSTITUTIONAL

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By W. M. Adams

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**T**HE Superior Court Appellate Department, Los Angeles, California, August 2, 1934, declared that the "Sunday closing clause" in the C. R. A. Barbers' Code "cannot be sustained." Thus another signal victory for constitutional equality and the inalienable rights of mankind has been won in California.

Those who are familiar with the history of Sunday laws in California will recognize at once the liberty-loving spirit of its citizens, and a determination to maintain liberty for all men.

California ranks well with her sister States, and is a land of multiplied churches. The Sunday law issue has been opposed many times, for there are parties who are ever trying to secure laws that will shackle the God-given rights of its citizens, as the records will show.

### Voice of the People, First Time, 1882

Six years after California's State constitution was adopted, in 1855, the first Sunday law was passed. Other laws of a similar character were enacted later on. The citizenry objected to these Sunday laws, and about 1868 there was an effort to make void all such laws. The continued agitation against Sunday laws finally crystallized in a fight between the

Republicans and the Democrats in a political campaign. Concerning this contest, I quote from the "University of California Publications," article "Economics," Volume II, pages 331-333:

"In the fall election of 1882, the repeal of the Sunday laws was one of the important issues. All the political parties inserted planks on the subject in their platforms. The Democrats, who carried the election, announced their opposition to all 'sumptuary legislation,' and to 'all laws intended to restrain or direct free and full exercise by any citizen of his own religious and political opinion,' and made known their intention to oppose the enactment of all such laws, and demand the repeal of all those now existing.

"In less-veiled language the Republican, Prohibition, and Greenback-Labor Parties declared themselves in favor of preserving one day in seven as a day of rest, and the maintenance of the Sunday laws.

"The Democrats obtained a majority of the members, and promptly on the meeting of the legislature (1883) the bill for the repeal of Sections 299, 300, and 301 of the Penal Code, was introduced in both the Senate and Assembly. . . .

"It is surprising that the repeal of the Sunday laws met with so little opposition from the churches and labor organizations. While petitions were presented against their repeal, there was nothing like the universal interest that had defeated a similar movement in 1868. . . .

"This total abolition of all such restraints is particularly significant in view of the fact that, owing to some of the peculiar provisions of the State constitution, it seems probable that no new [Sunday] laws can be enacted on this subject that will be upheld by the courts."

Thus for the first time the voice of the people, by popular vote, November

(Continued on page 24)



## The SPIRITUAL RECOVERY PROGRAM

SEVERAL hundred of the leading religionists of America are putting on an aggressive campaign for the recovery of religion in our national life. They feel that this is both basic and paramount. Here are their own words:

"The world is passing through one of the greatest changes in history. There is a growing conviction that the great scientific, economic, and social development of the times may prove of doubtful permanent value unless there can be commensurate strengthening and undergirding of the moral and spiritual resources of the nation."

To this we give a sincere and fervent "Amen." When we lose religion, we lose everything; and until we regain it, nothing else is of value. The greatest collapse of recent years has not been a collapse in the economic or political worlds, but a collapse of character. We have suffered a collapse of character because we let go of religion. There can be no character where there is no religion, for morals, ethics, and spiritual things spring from religion alone. A good society can be built only upon a foundation of goodness; and that foundation is the appreciation and recognition of the principles of religion.

We wish these men Godspeed in their worthy objective. We shall give them every possible support. However, we point out two things that must be guarded against: The first is that in our endeavor to bring the world back to religion we do not bring it back merely to a pretension of an empty form of religion, that is, Modernism. Boldly do

we declare that much of the irreligion of the times is due to the fact that many of our religious leaders long ago deserted "the faith which was once delivered unto the saints," and went over to a liberalistic philosophy of religion which is little better than paganism. Multitudes of people found their pastors giving them stones of man-made theories instead of the bread of life; hence they discontinued their churchgoing, and their interest in religion lapsed, because they were not being taught true, evangelical, Biblical Christianity.

If we are going to call the nation back to God, let us first be sure it is to the God and Father of our Lord Jesus Christ, the God of the word, the God who is the Creator of the heavens and the earth, and not to the depersonalized, vaporous nonentity that modern religious liberalism tries to palm off as God.

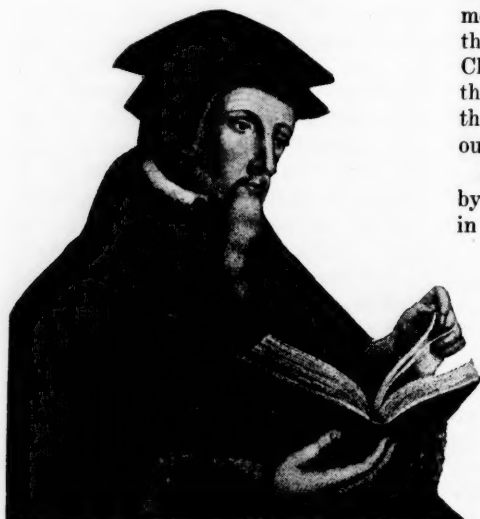
The second danger that might possibly arise would be for those who want to reclaim the nation for God to put their reliance in legislation rather than in persuasion and the power of the Spirit. It has long been a temptation of some classes of religionists to think that if they could only get a law passed saying men must go to church, by so doing they could make men religious.

True religion is never advanced by compulsion or by the policeman's billy. Jesus Christ Himself gave us the divine principle, "I, if I be lifted up, . . . will draw all men unto Me." What mankind

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**J**OHAN CALVIN took the life of Servetus in Geneva, Switzerland, when he, as head of the Reformed Church, made and executed the laws of Switzerland. The only accusation that Calvin brought against Servetus was that he was teaching contrary to the law of the church and the law of the land, because the laws of the church under Calvin had become the laws of the land. Calvin believed that all religious obligations should also become civil duties enforceable under civil magistrates. To teach contrary to the church law was heresy, and to oppose a religio-civil law was treason. Religious legislation always results in religious persecution.

The General Assembly of the Presbyterian Church, South, appointed a committee on Sabbath observance to prepare a pamphlet on this subject, and by order of the General Assembly of 1933 this



# MODERN CALVINISM

## Justifies Religious Persecution

By  
C. S. Longacre

pamphlet has been approved and printed and is now in general circulation. In this pamphlet the General Assembly of the Presbyterian Church reaffirms the doctrines of John Calvin, that "the separation of church and state" is a "misleading phrase," and "that the complement of liberty is restraint."

If the complement of liberty is restraint,

then the complement of anarchy is law and order. The complement of liberty is not coercion, but freedom of choice and voluntary service. Religion has no value to the individual, nor is it acceptable to God, unless the motive of service is love that emanates from the heart.

This pamphlet is written expressly in justification of compulsory Sunday observance legislation, and assails all those who are opposed to these compulsory methods of Sunday observance, as "those who rebel at any restraint," and "elements" working "under the delusion that they do no more than oppose the Christian church, when the fact is that they oppose both the law of the land and the spirit of the [religious] institutions out of which the law arises."

It is the same old argument advanced by modern Calvinism that was advanced in medieval times in favor of a union of church and state, and those who oppose these religious laws are called "rebels," "heretics," and "traitors."

This pamphlet is frank enough to admit the historic

John Calvin, a Protestant Theologian and Reformer of the Sixteenth Century. Who Established in Geneva a Government by the Church



truth, however, which many Sunday-observing Christians are not willing to acknowledge, namely, that the early Christians did not observe the first day of the week as a rest day. The pamphlet says:

"Under the influence of the Jewish law, the early Christians observed the seventh day of the week as a periodic day of rest, until their lively consciousness of the great miracle of the resurrection moved them to commemorate the arising of Christ from the dead by adopting for their periodic day of rest and worship the first day of the week instead of the seventh day."

Here is a frank admission that Sunday observance does not rest upon any divine command or upon Scriptural authority, but solely upon a voluntary custom that crept into use after apostolic times. In fact, this pamphlet admits that Sunday observance "did not become the subject of legislation until about the year 321 A. D., when Constantine commanded all judges and inhabitants of cities to rest on the venerable day of the sun."

Constantine's first Sunday law, in 321 A.D., did not set Sunday apart in honor of the resurrection of Christ, but in honor of the sun god, to whom this day was dedicated. Constantine was still very much of a heathen at this time, and sought to please his heathen subjects. If the early Christians observed the seventh day of the week as the Sabbath and Lord's day, and were without a compulsory Sunday observance law for the first three hundred years of the Christian era, during which period the Christian church experienced its greatest prosperity in the face of its greatest opposition from pagan Rome, why is it necessary for the modern Christian church to resort to compulsory methods to get people to observe Sunday? Is it because they have no law in the New Testament authorizing Sunday observance, and have to resort to a human law as a substi-

tute? Or is it because some churches have become so worldly and weak that they have lost all appeal to spiritual strength and inherent virtue, that they have to appeal to the state for legal aid and sanction?

Evidently the Presbyterian Assembly has not kept abreast with the times, for it asserts in this pamphlet that "a Sunday law was enacted in each of the colonies, and such a law is now found upon the statute books of every State in the Union." It is true that each of the early colonies enacted Sunday laws, for they were subject to England, which had an established religion by law; but there are five States in the Union today, besides the District of Columbia, which have repealed all the Sunday laws which were formerly upon their statute books.

Again this pamphlet states:

"The courts of appeal in every State in the Union, where the question of the validity of Sunday laws has been presented for decision, have been practically unanimous upon the fact that the institutions of Christianity are a part of the common law of the land. Whatever exists in the customs of the people, that furnishes a standard of judgment or a basis of comparison in the decision of an actual case before the courts, is a part of the law of the land."

If the pamphlet had merely made this bold assertion, and let it go at that, its falsity might have been excused on the basis of a lack of knowledge of legal facts. But it boldly declares that the above assertion "is beyond dispute."

As a matter of fact, both the Supreme Court of the United States and the great majority of the State supreme courts have declared and ruled that "where the primary purpose of a Sunday law is to enforce the religious observance of the day, it is void as a violation of the constitutional guaranties respecting religious freedom. There are only a few instances where the State supreme

(Continued on page 25)



Michael Servetus,  
Spanish Theologian  
and Physician, and a  
Sixteenth Century  
Martyr to a Church  
and State Regime in  
Switzerland



**C**ONSTITUTION DAY, September 17, 1934, was observed throughout the country with appropriate ceremonies and speeches. Among the public addresses that received wide attention was one delivered by Hon. James A. Reed, former Senator from Missouri, at the World's Fair in Chicago. Senator Reed has long been known as one of the most forceful characters in public life. His speeches are admitted, even by those who disagree with his conclusions, to be models of concise diction. Not infrequently his sentences are terse enough to be epigrammatic. His personality is such that he carries his hearers along irresistibly on the flood of his logic. Sometimes the trenchant note is dominant, and then one can never forget the keen analysis, the succinct statement, the incisive argument, the penetrating picture.

The speeches of such a person nearly always lose something when reduced to print, and we could wish that all our readers might have heard Senator Reed on Constitution Day. We present some excerpts that we believe contain facts that should be remembered by all lovers of liberty. It is easy to forget the foundation principles of the government under which we live. It is easy to accept as a matter of course the blessings of today, without remembering at what a price they were obtained for us. The quotations which we offer set forth historical facts and basic principles of vital importance, in language that can be easily understood by all:

"The Constitution of the United States is the keystone of the arch of human liberty. Destroy it, and liberty is dead.

"Paternalism is the keystone of the arch of despotism. Reestablish it, and tyranny will again mock the rights of man.

"Broadly speaking, there are but two kinds of government,—the one created by a people whose officers are public servants, executing the laws the people have ordained for their protection. That is liberty.

"The other kind of government is erected

# The CONSTITUTION

## a Safeguard to Human Liberty

*With Excerpts From and by the*  
Hon. James A. Reed

by masters, who by force impose their will upon the people. That is slavery.

"Paternalistic government, with but slight exceptions, dominated the earth for thousands of years. It met with its first successful challenge when the Declaration of Independence was proclaimed, and the liberties gained on the battlefields of the Revolution were consolidated in and guaranteed by the Constitution.

"Despotisms have assumed many forms, but they were all built around one cardinal doctrine, namely, that the common man was incapable of enjoying liberty, and therefore must be guided and controlled by rulers.

"Universally, he who has sought despotism

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# INSTITUTION

## a eguard to an Liberty

erpts From an Address  
by the  
James A. Reed

sol- fending them from their enemies.

ion. "When he bound the farmer in serfdom to  
ms, his land, he pretended it was for the good of  
inal the farmer.

was "When he set up an established church,  
fore and commanded all to worship as he directed,  
otic he pretended it was necessary for the salva-  
tion of their souls.

power has pretended  
he possessed a sover-  
eign remedy for the  
ills of the people.  
His countenance has  
been wreathed in  
smiles, and in hon-  
eyed words he has  
protested his love for  
the people.

"When he ordered  
the subjects into his  
armies and marched  
them like sheep to  
the slaughter, he pre-  
tended he was de-



"When he confiscated their property by  
taxation, he asserted it was for the good  
of the state, and that the maintenance of  
the state was essential to the happiness and  
security of the subject.

"When he denied the right of free  
speech, he pretended that freedom of  
speech would permit the teaching of false  
doctrines, which would mislead the sub-  
ject.

"When he denied the right of peaceable  
assemblage, he pretended that the people  
would thereby injure themselves.

"When he denied the right of trial by  
jury, he claimed that juries were corrupt,  
and that the land could be purged of vil-  
lainy only by judicial murderers appointed  
by himself.

"But always, he pretended that in all he  
did he was acting as the father of the  
people; that his government was a great  
paternalism, caring for, conserving, and  
guiding the helpless multitude.

"The Declaration of Independence was a  
challenge to that age-old heresy.

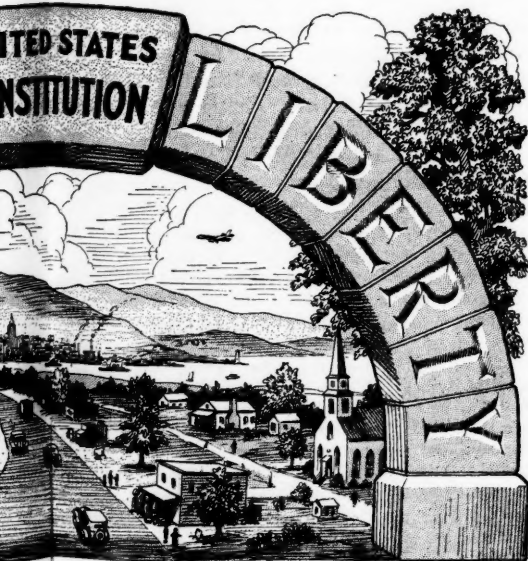
"Against the doctrine of the Divine  
Right of Kings to rule the people, the  
Fathers declared the Divine Right of the  
People to rule themselves.

"Against the doctrine of a privileged  
class, they declared that all men are cre-  
ated free and equal; that all are endowed  
with the inalienable right to life, liberty,  
and the pursuit of happiness.

"Against the doctrine that government  
descended from despot to despot, they as-  
serted that all government derived its just  
powers from the consent of the governed.

"Against the doctrine that the govern-  
ment is the guardian of the people, they  
asserted the right of each individual to  
govern himself, think his own thoughts,  
speak his own sentiments, choose his own  
avocation, and control his own property.

"Instead of the citizen being bossed by  
rulers, the citizen became his own boss.  
The officeholder was reduced from the  
rank of ruler to the position of agent and  
servant.



"The Constitution was written to guard against the invasion, and ensure the perpetuity, of these natural rights.

"The framers of the Constitution had seen enough of paternalistic government; they had studied the pages of history; they knew that power feeds on power, and that when government once asserts the right to control the labor, the property, or the habits of the citizen, it has entered upon the old and bloody road of despotism.

"Some of the framers of the Declaration and Constitution had been the victims of tyranny. All were students of the past. They knew that crowned monsters had sacrificed the lives of millions; that wars inspired by ambition or lust of loot had whitened the face of the earth with the skeletons of the dead, and soaked its soil with the blood of slaughtered men; that countless innocent men, subjected to every form of torture, rotted and died in prison without trial.

"They knew that paternalism had forged chains for every wrist and iron bands for every brain, and had reduced the masses to a condition of physical and mental slavery.

"In that night of a thousand years the torches of learning were extinguished.

"Monsters of superstition and ignorance crawled through the darkness. All progress ceased, save a progress back to savagery.

"No great invention, no important discovery, illumined the period; trade, commerce, industry, languished and died.

"Famine laid its skeleton hand upon the throat of the masses, and hope vanished from the heart of man.

"Accordingly, the Fathers sought to guarantee the liberty of the individual, and to that end strictly limited the powers of those holding office.

"They held that no single man or government could be trusted with unlimited power."

It is well to have among us farseeing statesmen who warn us of dangers to come. The rôle of a Jeremiah can never appeal to the masses, but some one who

loves his country better than his comfort must often point us to the principles that have made our country great, and warn us against pursuing a path that must bring ruin. H. H. V.



## Far From Jeffersonian Principles

THE readers of LIBERTY magazine doubtless expect its editors to be ever alert to point out and protest against anything that may infringe upon the natural, inherent rights of American citizens. Some have even been flattering enough to intimate that they leave this work which should be considered a part of every man's duties, to those of us who give our particular attention to it. We are refreshed by a letter which appeared in the *Ohio State Journal* (Columbus) of October 22, 1934, written by Ralph Westlake, of South Charleston, Ohio. We do not know Mr. Westlake, but we do recognize that he has a pretty clear conception of the principles that ought to be familiar to all Americans, in view of the price in time and blood that they cost.

Referring to the action of Governor White in approving a provision of the Ohio Industrial Recovery Act "for the regulation of the barber trade" in that State, and poking a little gentle fun at the governor for having laid aside his Jeffersonian glasses, Mr. Westlake continues by saying:

"In Article III, Section 4, of the Ohio barber code, the text states that, 'No member of the trade shall be permitted to work more than six (6) days in any seven-day period.' The foregoing provision is sound and rational, and in accord with the principles of religious freedom.

"But—and herein lies the joker which is perennially typical of the orthodox religious mind—Section 7 of Article III goes on to specify that 'all barbershops shall remain closed on Sunday, . . . and no "self-service" shall be permitted in any barbershop, including those in hotels and clubs, . . . on Sundays.'

"Section 7 of the third article of the Ohio barber code is in direct conflict with an important decision of the Ohio Supreme Court,

written by Justice Thurman, which declares that all legislation specifying Sunday—instead of one day out of each seven-day period—as a day of rest, is unconstitutional, because 'neither Christianity nor any other system of religion is any part of the law of this State.' . . .

"Section 7 of Article III of the Ohio barber code is a flagrant violation of minority rights, and constitutes an insult to every Jewish, Moslem, Seventh-day Adventist, and free-thinking barber—of which there are hundreds—in the State of Ohio.

"The observance of Sunday as the Sabbath, or day of rest, is purely a matter of geography, and is adhered to by less than 4,000,000 [Evidently a typographical error; 400,000,000 would be more nearly correct.—Ed.] people out of a total population on the earth of 2,000,000,000. And if there were only one barber in the State of Ohio who, for religious or any other reason, desired to rest or worship on another day in the week than Sunday, the majority is interdicted by reason, reciprocity, and justice from imposing an arbitrary measure upon him, unless said majority can show that the ends of justice and fair competition can be attained in no other way.

"The authors of the barber code may plead that Article IX, Section 5, provides that 'where the operation . . . of this code imposes an unusual hardship upon any member of the trade, . . . such member . . . may make application for relief to the administrator, . . . and (he) may, after such public notice and hearings as he may deem necessary, grant such exceptions to or modification of the provisions of this code as may be required to effectuate the purposes of the OIR Act.'

"The foregoing provision of the barber code is a ratification of the infamous principle of 'toleration,' which holds in effect that the minority conscience has no rights against majority rule, but if the conscientious dissenter is willing to undergo considerable expense and trouble, make himself publicly conspicuous, and cringe at the feet of the majority's agents, that the gracious majority will grant him a special dispensation to exercise those rights which were already naturally, inherently, and civilly his."

If all the other points presented by Mr. Westlake were forgotten, and the clear statement contained in his last paragraph were remembered, Americans would not soon trade liberty for toleration. That is a hateful word when applied to the attitude of the majority toward the rights of a minority. We have been "endowed by our Creator with certain inalienable rights," and

paraphrasing a well-known expression, one with right is a majority.

H. H. V.

## Freedom of the Press Threatened

ONE of our Canadian readers has furnished us a clipping from the *Edmonton Journal*, which bears a dispatch from Montreal under date of October 12, 1934. We suspect that a good many politicians have felt the way this Montreal mayor has, but we have never before seen a statement from any officeholder or politician in North America as utterly lacking in appreciation of the safeguards of liberty as is this one:

"Bitter condemnation of the newspapers for alleged unfair treatment of him during his entire political career, was voiced here Thursday by Mayor Camillien Houde.

"There will come a day when you newspapermen will print only what you are told to print," the mayor and former provincial opposition leader told newspapermen at a press conference.

"The day has come in many countries of Europe, and it will come to this country, too. Then I will repay you."

Free speech, free press, the right of petition, and the right of peaceable assembly, are among the strongest bulwarks of freedom. The great news-gathering agencies, by reason of their tremendous scope and the speed with which they work, must sometimes make mistakes, but we have found them almost uniformly anxious to find the truth, and not slow to correct errors when such are called to their attention. No other agency has done more to preserve our freedom and protect our rights than the press. Clear, cogent reasoning, lucid exposition, fearless expression, and complete devotion to the best interests of the people as a whole, are the equipment of many editorial writers the country over. God grant that Mayor Houde's prophecy may never come true, either in the United States or in Canada.

H. H. V.

MANY reforms contain within themselves the elements of self-destruction.

## The State and the Church

**I**N 1848 Baptist W. Noel (England), a writer of acknowledged ability, published a work on the subject of church and state, in which he reviewed some of the positions taken by Mr. Gladstone on this subject. His work was not a review of Gladstone, as was Macaulay's essay, but his points are equally well made. Unlike Macaulay, he was "a dissenter" and a minister. The following extract is from Mr. Noel's book, page 29:

"How many members of Parliament profess to trust wholly in Christ for their salvation from hell, and therefore make His word their exclusive rule of conduct? If the majority are without this faith, they are unchristian and ungodly; and the union between the church and the state is the union between the churches of Christ and a body of unconverted men—it is the union of the church with the world. And since all who are not with Christ are against Him, it is the union of His friends with His enemies.

"The effect of the union does not depend upon what the state ought to be, but upon what it is; and to advocate the union because the state is bound to be evangelical, is the same thing as to say that a thief should be made the trustee of a property because he is bound to be honest; or that the Lord's supper should be administered to a drunken profligate because he is bound to be virtuous and sober.

"The advocates of the union constantly argue, not from what the state is, but from what it ought to be; and infer most erroneously the effect of the union of the churches with the actual state from what they suppose would be the effect of their union with the Utopian state. The actual state is irreligious, and the churches are bound to dissolve their union with it."

It will be said by the National Reformers, as they have repeatedly stated, that they do not seek a national church establishment such as is found in England. But that makes small difference. The *Christian Statesman* of October 2, 1884, said this:

"Give all men to understand that this is a Christian nation; and that, believing that without Christianity we perish, we must maintain by all right means our Christian character. Inscribe this character on our Constitution."

Just how much this means and was intended to mean will be understood

by the following which appeared in the *Christian Statesman* of May 21, 1885:

"We might add, in all justice, if the opponents of the Bible do not like our government and its Christian features, let them go to some wild, desolate land; and in the name of the devil, and for the sake of the devil, subdue it, and set up a government of their own on infidel and atheistic ideas, and then, if they can stand it, stay there till they die."

That was National Reform a half century ago, and the *Christian Statesman* said only a few months ago that back there they "had the right idea."

Today we are in a time when changes are being made. Do we want such changes as were demanded fifty years ago, as have been insistently demanded ever since, and which are today endorsed by the *Christian Statesman* as "the right idea"? C. P. B.

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## Liberty Fallen on Hard Days

(Continued from page 3)

the same reason. The German kaiser fled his country, and left it to form a republic. All the other kingdoms saw the light, and hastened to give more attentive ear to the voice of the people. President Wilson returned from Paris with high hopes for a world democracy within his League of Nations. And democracy did in fact rule over most of the civilized world.

Then the irony! In less than two decades since the Great War was fought to make the world safe for democracy, the world has almost overnight back-leaped over the centuries of hard-fought freedom into a medievalism that would seem incredible if it were not true. The principal nations of Europe are all under dictatorships, with the other nations of the civilized world feeling the strong reactionary tide.

The cause of it? That is the most ironic. There may be many causes, but the blame is laid chiefly to the economic conditions. The machine which was to free man seems now on the verge of ensnaring him. The wise men say that

there can be no freedom—industrial freedom—under modern conditions. Industry is not a free-for-all, with which any one can toy. There must be planned economy. *Laissez faire* is out. Look what happened in 1929—overspeculation, overproduction, overexpansion, etc. Economic liberty must be sacrificed to security.

The case seems to be in their hands. Certainly 1929 was a debacle. And certainly security is a thing to be considered. Tens of millions of unemployed will testify to that.

But why should planned economy affect freedom, you may ask, especially political freedom? We do not pose as experts in these matters, but we are not sure that it should affect it or that it has affected it. However, that it does affect freedom is certainly seen at present. In Russia it has meant so-called communism; in Italy and Germany, Fascism; and in England, France, and the United States, a reaction toward strong central governments. Which means what? Dictatorships in the communistic and Fascist countries, with the tide swinging that way in the others.

Perhaps dictatorships are an economic necessity. Perhaps the *laissez faire* capitalist will not yield to planned economy unless a political dictator cracks a whip. Or perhaps a strong hint, as under President Roosevelt's New Deal, will be sufficient. We do not know.

But as we see the liberties of the people being encroached upon more and more in an asserted attempt to attain a greater degree of security, we feel confident of one thing, and that is that people may make great concessions to liberty in the economic field to attain security. They may adopt these abortive socialistic systems if they believe that economic conditions warrant them. But we fear and believe that if the men in power go out of the economic sphere and seek or force concessions to liberty in other phases of life, they will encounter greater difficulties than they perhaps imagine.

FIRST QUARTER

We speak principally of liberty in religion. Soldiers in the fight for religious liberty were the first to fire the shots in the opening battles for freedom. And through their efforts did all these other phases of freedom reach the great heights that they did. And so, if the reaction continues to go back against freedom, we predict that the defenders of religious liberty will be found at the last ditch, and fighting as fiercely there as they did at the first ditch several centuries ago.



## Religious Instruction in the Public Schools

(Continued from page 8)

nation would he stop? And would the religion of all be credited by the State?

While the salary of Father Westendorf is paid by the church, yet the school furnishes the room, desks, heat, and other accommodations with public money given by the taxpayers. Since this is religious instruction being given in the Gary schools, the money drawn from the public treasury in support of such a school is for the benefit of a religious seminary. Our State laws prohibit such an appropriation of public funds. No public money should be used to defray the expenses of religious instruction.

Section 4 of Article I of the Bill of Rights of Indiana says: "No man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent." Religious instruction in public schools has the form and intention of religious worship. This being the fact, to compel the people by taxation to erect and support public schools in which such religious instruction is given, is to compel them by law to erect and support places of worship. To tax a man to erect and support a public school, and then to introduce the element of religious worship into that school, is to make a combination which our Constitution forbids.

PAGE 21



While the Catholic Church is giving this religious instruction in the Gary schools at the present time without cost to the State as far as salary is concerned, yet it will doubtless not end there. Later the church may demand pay for the teaching. (The Catholics of Ohio are asking for \$5,000,000 of State funds for the support of their parochial schools. Certainly, if they request financial aid from the State for their parochial schools, they will not hesitate later to demand pay for actual teaching in the public schools.)

According to the laws of Indiana, the common school funds are not to be diverted. Section 3 of Article VIII, entitled, "Education," says: "The principal of the common school fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of common schools, and to no other purpose whatever."

The question of religious instruction, as to what it shall be, as to the agency giving it, and as to the cost thereof, should be remitted to voluntary private and individual effort. The only fair and impartial way is to let each sect give its own instructions elsewhere than in the State schools. This privilege all sects have.

The public school, created and regulated by law, and supported by a general taxation of the people, must be devoted exclusively to secular education. No sectarian instruction of any kind should be allowed in the public schools. They should have nothing to do with religion whatever. They are completely secular, as are any of the other institutions of the state.

Sacred things are best taught to our youth in the church and in the parochial schools, and above all, by parents in the home circle.



THE greatest hypocrite is the one who makes the loudest profession of his piety.

## California Bans Religious Instruction in Public Schools

(Continued from page 9)

According to the State document, Wiley J. Phillips presented the argument for the bill. After stating, "We all believe in separation of church and state, which does not mean separation of religion from civil government," he proceeded to quote from the California court interpretation of the constitution as follows:

"In our judgment the Appellate Court of California, first Appellate District, Division Two, erred in its interpretation of Section 8 of the State constitution, when it declared the King James Version of the Bible to be a 'book of sectarian or denominational character,' and upon this ground excluded it from the public schools."

Phillips further stated that there were some 700,000 children and youth in the State who did not go to church, and could not be reached by the church; that the State should provide for them in the schools the principles of "morality and religion that make for good citizenship." "The Bible," said he, "is as truly the textbook of the state, in moral and civil affairs, as it is of the church in spiritual affairs."

In his opposition to this measure, C. Fickenscher, a Sacramento pastor, stated that the well-intended efforts of the champions of the amendment, "purpose merely to correct the evil consequences of a training devoid of religion," but he could not conceive how this method would ultimately help either "religion or the state." "Religion," he maintained, "is essentially a private matter." Consequently it should not become the business of the state. The state should protect the individual, the home, and the church in the "exercise of their respective religious functions." "Any attempt to do more," he contended, "spells contempt for church and state, which have the sanction of God, of enlightened men, and of the American state."

He further maintained that if the Bible is legislated into the government-

controlled schools, the government automatically goes into the "business of propagating religion," and this would be nothing less than taking the first step "back to those dread ages when religion was doled out by state compulsion."

In speaking in behalf of the forces opposing this measure, he stated that they believed in the Bible and its place in the lives of children, but that their elders should return the Bible to "the home and the church;" that this duty should not be passed on to the state.

By the foregoing views, it is obvious that the controversy was not waged on the value of religious training in the lives of children and youth, but rather on the issue of the state's right to propagate that religion. This,—the state becoming a teacher of religion,—the opposing forces held as disastrous. Should this authority be vested in the state, then the state would automatically be called upon to decide what religion to teach, and this would be a discrimination in respect to the religious views of its various citizens. This, the opposing forces maintained, would not lead to harmony and unity, but rather would produce social rupture and sectarian hatred.

That this question obviously involves a religious issue is further disclosed by such statements as the following, taken from the Religious Liberty Library:

"Referring to the use of the Bible in the public schools, the *New York Independent* of October 1, 1891, says:

"There is no question that this is making public schools sectarian, and that it is unjust and contrary to the principles of our American government, which allows of no establishment of religion. The only consistent and the only Christian way, is to give religion to the care of the church, and let the state take care of the secular."

The champions of this amendment, however, held that the proposal provided for the study and reading of the Bible "without comment," and that "no pupil should be required to hear it read" without the consent of parents; that this clause forced no one, contrary to his

beliefs, but rather he was granted freedom in this regard.

But this did not satisfy the opposition forces in California, for they saw even in this provision a danger of destroying equality among the pupils, which the constitution seeks to establish and protect.

This danger was pointed out by Justice Lyon in a decision against the reading of the Bible in schools in an Eastern State. He said:

"When . . . a small minority of pupils in the public school is excluded for any cause, from a stated school exercise, particularly when such cause is apparent hostility to the Bible, which a majority of the pupils have been taught to revere, from that moment the excluded pupil loses caste with his fellows, and is liable to be regarded with aversion and subjected to reproach and insult."

The *Signs of the Times* also came out with an editorial opposing this initiative measure, with statements as follows:

"What right has any public school teacher to read the Scriptures to children of an agnostic, atheist, or unbeliever? . . . What about the children of Mohammedans, Buddhists, Confucianists, and the adherents of other religions? . . . No loyal citizen can afford to vote for such a measure."

With these conflicting views before them, the enfranchised citizenry of the State of California went to the polls, apparently with no less understanding of the religious significance of this measure than of those prompting Sunday laws. Their overwhelming disapproval of this proposal was signally manifested by a majority of 132,724.

**TABLE V**  
**Returns of the Total Number of Registered Voters of the State on the Bible Initiative No. 17, Nov. 2, 1926**

Registered Voters	Voted for	Voted Against	Not Voted
1,912,862	439,210	571,934	901,718
100%	22.9%	29.8%	47.3%

Thus it is seen that the people of California vigorously repudiated the teach-



ing of religion by the State, and if this issue is put up to the people on a referendum in any State where a certain brand of religionists do not dominate the State, the State will continue to maintain its position of absolute neutrality on religious questions. The people, as a whole, are still at heart loyal to the American ideal of a total separation of church and state, and the maintenance of the principles of religious freedom.

### **Superior Court Rules Sunday Closing Clause of the California Barbers' Code Unconstitutional**

(Continued from page 12)

7, 1882, rejected the Sunday laws by a majority vote of 23,512.

#### **Voice of the People, Second Time, 1914**

The second time the California voters turned down a proposed Sunday law was the Initiative No. 45 in 1914. Said act prohibited "the working for wages, or requiring or employing any person to work, more than six days or forty-eight hours a week, the keeping open or operating certain places of business or selling property on Sunday." It was inapplicable "to members of a religious society which observes another day as a day of worship," etc. Again, for the second time, the spirit of justice and liberty was manifested by a large majority vote of 167,211 against the proposed Sunday law. It would seem this should have settled the matter of California Sunday laws. But some were not satisfied.

#### **Voice of the People, Third Time, 1930**

A third effort was made by religious zealots, combining with certain labor organizations, which succeeded in placing a Barbers' Sunday Closing Bill, No. 26, on the November ballot of 1930. Said Initiative prohibited "keeping open for business any store, barbershop, workshop, factory, or other place of business or performing or employing labor on Sunday." It contained about

as many exemptions as prohibitions. For the third time, the California citizens, by an overwhelming majority of 833,393 votes, turned down the Sunday law. The *voice of the people* against Sunday laws was heard in no uncertain tones.

In 1882—majority vote 23,512.

In 1914—majority vote 167,211.

In 1930—majority vote 833,393.

#### **Sunday Law in California Barbers' Code, 1933**

President Roosevelt and his advisers, in counsel with the national Religious Liberty Association, refused to put a Sunday closing clause in the National Industrial Recovery Codes. They are to be commended for their high stand for the principles of liberty vouchsafed in the Federal Constitution.

However, the ever-vigilant California Sunday law advocates saw in the C. R. A. Code propaganda an opportunity to carry out their cherished plans, in spite of the *voice of the people*, by placing a Sunday closing clause in the California codes. They hoped, in this adroit way, to commit the State to religious legislation through emergency measures. This was done, the Barbers' Code attracting the most attention.

The Religious Liberty Association of California immediately launched a strong protest against this infringement of liberty. As a result, the Sunday closing clause was removed from all C. R. A. codes except that of the barbers. This, however, survived only until May 12, 1934, when the Chief Commissioner of Corporations declared it no longer in force. Barbering on Sunday in California was permissible and legal from that date on.

#### **Clause Tested in Court; "Cannot Be Sustained"**

About the time the Barbers' Code went into effect, a Mr. D. D. Donato, of Pasadena, California, opened his barber shop on Sunday, and was arrested for violating the Sunday closing clause in the code. Three complaints were filed

against him. He was tried in the police court in Pasadena, and found guilty of all three charges, and was fined. Mr. Donato's attorney appealed the case to the superior court. The case was heard early in August, 1934.

The Los Angeles *Journal* of August 20, 1934, gives a memorandum opinion of the court as follows:

"Under the State act a code for the barber trade was approved by the chief of the Division of Corporations, October 28, 1933, but the director of the Department of Industrial Relations did not give his written concurrence therein until October 31, 1933. Two of the complaints on which defendant was convicted, numbers 62772 and 62773 in the trial court, charge offenses committed on October 29, 1933, and the date shown by evidence is the same. The code was not then in effect, and these convictions must be reversed for that reason."

Thus two of the complaints were disposed of. Of the third complaint the *Journal* continues:

"In the State Barbers' Code is a provision that no barbershop shall be open for business on Sundays and eight enumerated holidays, and a violation of this provision on November 5, 1933, by keeping open on Sunday, is charged in the third complaint. . . . It appears that no State-wide code, except the Barbers' Code, contains a Sunday closing provision."

Citing a former case, the court said:

"In *ex parte Jentzsch*, 112. Col. 468, it was held that a statute of 1895 applying to barber-shops alone, and requiring them to be closed for a part of every Sunday and holiday, made an arbitrary discrimination contravening the constitutional prohibition of special legislation, and was *invalid*, because there was nothing about the business of a barbershop to justify putting it in a separate classification for the purpose of such legislation. . . . The nature of the business of a barber has not substantially changed since the case was decided. . . . At any rate, the declared purposes of the present act do not seem to us sufficiently different from those considered by the court in the Jentzsch case to afford a satisfactory basis for distinguishing that case. . . . We therefore conclude that the *Sunday closing provision of the code cannot be sustained*."

This is in harmony with the "voice of the people" three times expressed at the polls against Sunday laws. It is another sweeping victory for liberty through the Los Angeles Superior Court.

## Modern Calvinism Justifies Religious Persecution

(Continued from page 15)

courts have ruled to the contrary. Nearly all the State supreme courts have laid down the following rule:

"While it is the legitimate prerogative of the legislature to impose upon society the civil duty of observing one day in seven as a day of rest, it is beyond its power to impose the observance of Sunday as a purely religious duty. In other words, while the legislature may very properly prescribe and impose upon the citizen obligations of a civil nature, it cannot impose the same obligations as religious duties."

The doctrine that "the institutions of Christianity" and Christianity itself "are a part of the common law of the land," has been completely annihilated. Recently the highest court in England, the House of Lords, declared that "Christianity is not a part of the common law of England," and that all former rulings or obiter dictum statements made by lower courts were mere "rhetoric" and "fiction." A few of our American State courts had adopted this legal "fiction," but the majority of our State supreme courts have held that "Christianity is not a part of the common law of the land," and consequently "the institutions of Christianity" cannot be a part of the common law of the land.

Those who assert so confidently that Sunday laws, which prohibit all labor, business, and recreation on Sunday, are a part of the common law of the land, evidently must sustain a severe shock when they discover that "at common law all business other than judicial proceedings could be lawfully transacted on Sunday."—*Cyclopedia of Law*, Vol. XXXVII, p. 545. They will receive another shock when they learn that the State supreme courts now generally uphold "legislative acts" of State legislatures passed and signed on Sunday, as well as "the judicial proceedings of courts" on Sunday, as perfectly valid. It is now generally held that "neither Christianity nor any other system of religion constitutes a part of our common

law."—*"Corpus Juris," Vol. XII, p. 182.*

In the case of Andrew vs. New York Bible Society, the supreme court of New York State said:

"The maxim that Christianity is a part and parcel of the common law, has been frequently repeated by judges and text writers, but few have chosen to examine its truth or attempt to explain its meaning."

The court says further:

"If Christianity is a municipal law in the proper sense of the term, as it must be if a part of the common law, every person is liable to be punished by the civil power who refuses to embrace its doctrines and follow its precepts."—6 N. Y., *Super* 156.

The Lord's supper and the Lord's baptism are "institutions of Christianity;" and if "the institutions of Christianity are a part of the common law of the land," as the Presbyterian Assembly declares in its pamphlet, then the civil magistrate is duty bound to see that every citizen, whether a church member or not, partakes of the Lord's supper and is baptized according to the prescribed rules of the commonly accepted faith of the majority of the Christian denominations, or suffer fine and imprisonment under the penal codes.

This pamphlet cites very approvingly a decision of the Appellate Court of Missouri, "that a Sunday law can be sustained wholly on the ground of deference to the prevailing religion." This shows how desperately in need the Sunday law advocates are of legal support in favor of their contention that "the institutions of Christianity are a part of the common law of the land." They could not even find a State supreme court decision in favor of their religious argument, so they quoted an "appellate" court decision of a lone State, when the preponderance of legal evidence was against their contention. They cited another case of *Lindenmuller vs. The People*, 33 Barbour (N. Y.) 548, which has since been overruled by the supreme court of that State, as well as by the State legislature.

In the closing paragraph of this pamphlet it is stated:

"The Christian traditions and customs of the American people are a part of the common law of the land."

There is nothing farther from the truth than this bald statement. As the highest court of England said, it is poor "rhetoric" and a "fiction" which never existed in law, and in the very nature of the case could not under American jurisprudence. "The Christian traditions and customs" are multitudinous in number, and so divergent in kind and mode that it would be a physical and legal impossibility to enforce them under the penal codes, and have any semblance of a civil state left. Yet such is the teaching of modern Calvinism.

### Passing Judgment

(Continued from page 10)

Then the questioner took pains to set forth in simple language the fact that God has given to every man the power of choice, and that He has reserved unto a day of judgment the record of men's sins. He stressed the fact that calamity and misfortune may be permitted to come to men in this life to develop character and prepare them for better things, but he denied absolutely that God had made any group of men to be judges of their fellow men. In a kindly manner, but with a good deal of force, he set forth that it would be well for every one to be sure that he had no sin before he cast a stone at his brother.

Digressing a bit, he paid a fine tribute to the founders of the American nation, who placed in the very beginning of the Constitution the guaranty of religious as well as civil liberty. He referred to the provisions that ensure to the free men of America a liberty that had not been known in any nation of the world that preceded ours. He emphasized that men's opinions can never be changed by coercion and force, but that education and persuasion and logical argument are the only legitimate means of seeking to change men's minds.

While he talked, no one thought of interrupting him. His fine presentation of the great principles of liberty as conceived by the fathers of the nation made a profound impression upon all present. Though nearly forty years have elapsed, the lad of that day has in his mind today a picture of the scene that will never be lost while life lasts, and in memory the words spoken that have helped him many a time when he has been inclined to be intolerant of others' opinions or tempted to pass judgment on the motives of his fellow men.

### A Supposed Sunday Closing Law Turns Out to Be a Saturday Observance Statute

(Continued from page 11)

supreme court of Washington will dispose of this question. There is no justification in civil law to compel people to observe any religious day. The observance of religious institutions is a personal matter between the individual and his God. It is a religious and not a civil obligation.

C. S. L.

### The Spiritual Recovery Program

(Continued from page 13)

needs today is for Christ to be lifted up. Then His matchless love and beautiful character will so attract that men everywhere will own Him God and Saviour. Compulsion in things religious only adds fuel to the flames of irreligion and anti-religion. The surest way to kill religious recovery would be to pass laws saying that every one must go to church and be religious. True religion persuades, but it never compels. Persuasion is God's way; compulsion, the devil's. Yes, let us bring men back to God; but let us be sure that we bring them back to the true God, and by the proper means.—*Signs of the Times*, October 2, 1934.

FIRST QUARTER

### "No Surrender"

**T**HE New Castle (Pennsylvania) *News* of September 26, 1934, under the above caption, printed the following appeal of the Pennsylvania Newspaper Publishers' Association:

"In 1734 John Peter Zenger was arrested for libel because he attacked the dictatorial methods of the English governor Crosby, of New York, in the *New York Weekly Journal*. His dramatic acquittal in August, 1735, marked the first great victory for a *free press* on this continent. Going to trial after nine months in jail, he faced the Crosby-appointed judge and a jury with the law against him. The law declared that no government could subsist if it allowed itself to be criticized, and provided punishment for all who, by written or spoken word, criticized the government, regardless of whether the facts were true. His counsel, Andrew Hamilton, a Pennsylvanian, the most distinguished lawyer in the colonies, ridiculed the assumption that power must always be protected from criticism. He declared that *liberty of expression* was the only bulwark against lawless power. On this plea, the jury acquitted Zenger, a German immigrant, despite the law.

"Exactly 200 years later, the press of the United States was asked by the government to submit to a licensing power. However, after months of fighting, this feature of the Newspaper Publishers' Code was stricken out, and the following reservations were inserted:

"In submitting or subscribing to this code, the publishers do not thereby agree to accept or to comply with any other requirement than those herein contained, or waive any right to object to the imposition of any further or different requirements, or waive any constitutional rights or consent to the imposition of any requirements that might restrict or interfere with the constitutional guaranty of the freedom of the press.' . . .

### "Pennsylvania Publishers Call Upon the People to Stand With Them

"Dictatorships have not miraculously occurred overnight. They have crept up slowly and with stealth on the people of the countries now in their clutches.

"We may fully trust our officials of today, but what of the officials of tomorrow?

"Once men get a taste of abnormal power, the temptation to use tyranny in order that their power may be perpetuated, is great indeed.

"As long as the people have a free press, just so long is their freedom assured.

"In observation of Newspaper Prestige

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Week, the publishers of Pennsylvania call upon the people to stand with them in their battle of

### "NO SURRENDER!"

As long as the press is free, our liberties are safe. Thomas Jefferson said that he would prefer a free press to a free government; for as long as the press was free to combat error and wrong, the people would be enabled in time to right up their government.



## Emergency Versus Constitutional Rights

BY A. R. BELL

**I**N the majority opinion of the Supreme Court of the United States, early in June, 1923, touching the teaching of a foreign language in any grade school, public, private, or parochial, it was held that the Fourth Amendment of the Constitution of the United States, "denotes not merely freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, to establish a home, to bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized by common law as essential to orderly pursuit of happiness by free men."

You will mark the clause "by free men." And it is plain as day that, applying to "free men," it includes "minorities whose lawful preferences, lawful pursuits, and lawful enterprises cannot be denied them in a free country, lest that country make a mockery of its freedom."

This opinion marks the Constitution as the inviolable refuge of minorities.

It has been said that "an American majority would never devote itself to wrongful and intolerant legislation."

But we may not assume. We may take nothing for granted.

We hear much these days of emergencies. Because of emergency, in which it was stated that "the welfare of the

people and the very existence of the government itself are in peril," an opinion was handed down in the District of Columbia Supreme Court that "the day has passed when absolute vested rights in contract or property are to be regarded as sacrosanct, or above the law," and that "all laws, including the Constitution, should be read in emergencies in the light of the law of necessity."

It was Charles S. Whitman, twice governor of New York, and a past president of the American Bar Association, addressing the Washington State Bar Association, who said, "Newly created organizations . . . have been made arbiters of industry, they have become the custodians of individual rights and liberties which have been historic. All this has been done in the name of emergency, under the compulsion of depression." And he asked the question, "What will take place when the allotted emergency period has passed? Chains once placed on a free people are not easily cast off; restrictions once placed on human liberties are not easily broken down. The test, the critical hour, will come when the passing of the recent critical emergency can no longer be tested."

As we look about us, we wonder if we have again reached the time "that this nation, under God, shall have a new birth of freedom."

Surely we are today wide of the mark as set by Woodrow Wilson when he said, "Freedom exists only where the people take care of the government."

Constitutional guaranties are being set aside. Assaults upon the freedom and individual rights of the individual seem at times to be the order of the day. Individual initiative is repressed. Compulsion by law is taking the place of the supremacy of liberty. And the end is not yet.

Men talk about emergencies, but no emergency justifies such a crucifixion of our natural, essential, and inalienable rights.

The constitutional liberties of the American people are paramount to any



other consideration. We do not believe that the majority of the people will knowingly and quietly acquiesce and consent to be deprived of their sovereignty over their inheritance of human rights.



### Freedom of the Press Faces Grave Danger

**C**OL. ROBERT H. McCORMICK, a noted publisher, while speaking before the annual newspaper convention of the New Jersey Press Association at New Brunswick, New Jersey, October 9, 1934, said:

"American freedom of the press faces the greatest danger in its existence." He emphasized that "a dictator's first act was to destroy the press, and that elimination of newspapers was the common factor in the breakdown of republics."

Referring to the recent conflict in Minneapolis between a "military dictator" and the newspapers of that city, where the "military dictator" set up a censorship over the newspapers, and issued restraining orders to the publishers, Colonel McCormick said, "We dared him to enforce it." He referred also to the recent Louisiana political episode, in which Senator Long, of that State, succeeded in reenacting "the old English laws of newspaper suppression by taxation." He added:

"In California, Sinclair, Democratic candidate for governor, has announced that if elected he will abolish all newspapers, and set up a State monopoly. Does it look as though we have set up hobgoblins to scream at?"

"Be very sure that not in 200 years has the freedom of the press been in such peril as it is today, and that the loss of its freedom involves the loss of all freedom."

Colonel McCormick expressed a great truth when he said that the loss of the freedom of the press "involves the loss of all freedom." Too few people realize the solemn fact that the loss of

fundamental civil rights means the loss of religious liberty ultimately. The first act of dictators in denying the people the enjoyment of their constitutional civil rights, has invariably been followed by the denial of their religious prerogatives guaranteed under their constitutions. We must therefore take serious alarm at the first invasion and denial of our civil rights, if we would enjoy the blessings of religious freedom. There is nothing that can be substituted for our precious heritage of freedom to solve the ills of humanity. When this priceless heritage is destroyed by our rulers, all else that is worth while in the enjoyment of this life has lost its significance and value. As Patrick Henry exclaimed: "Liberty! Give us that precious jewel, and you can take everything else!"



### Is It a Crime to Sell Shoes?

**A** BALTIMORE court recently fined a merchant for selling a pair of shoes on Sunday. He was not in the habit of selling shoes and did not know the price of shoes, but was sitting in the doorway of his son's store on Sunday, quietly resting, when suddenly three colored men demanded that he sell them a pair of shoes.

The store having been robbed three times recently, the father sold them the shoes to get rid of the men quickly, and charged only \$1.95 for shoes supposed to sell for \$2.95. Yet he was arrested, tried, convicted, and fined by the judge for violating the Sunday observance law of Maryland. Yet there are some in the State of Maryland who boast that their State was the first colony and State in America which granted religious liberty to its citizens. If that is religious liberty, then save us from more of it.

Recently a Seventh-day Adventist who conscientiously observes the seventh day of the week as the Sabbath, was sent to prison for painting the interior of his house on Sunday, where nobody but

a jealous neighbor knew he was working. Yet just one-half mile from his home a pleasure resort, with all sorts of commercialized devices, was operating unmolested in violation of the same Sunday blue law. In Baltimore, where the shoes were sold under pressure for half price ignorantly, and the man was declared a criminal and fined under the law, the Sunday movies and vaudeville shows and delicatessen stores operate unmolested on Sundays. "O consistency, thou art a jewel!"

### Complete Religious Freedom Unrealized

TODAY in no State can an individual be hauled before the courts and punished for his religious beliefs, or for his lack of belief, for that matter. To that extent there is complete religious freedom. But there are, in a good many places, certain religious taboos which have been incorporated into civil law. We find, for example, that observance of Sunday as the Sabbath is in some States compelled by law, even though religious bodies, like the Seventh-day Adventists, have set aside Saturday as a day of worship and rest. If these minority groups proceed with their normal activities on Sunday, they may be punished by civil law for what is, in reality, an infraction of a religious tradition. To the extent that such laws exist, full religious freedom does not exist.—*The American Observer*, Oct. 22, 1934.

### Is Religion a Political Necessity?

(Continued from page 7)

the theory that unity of religion is essential to political unity. Here Christians and Jews, Catholics and Protestants, have long dwelt together peaceably, because each has recognized the rights of others in the domain of conscience.

In other nations, Catholics have burned Protestants alive, and Protes-

tants have slaughtered and burned Catholics, for the sake of domestic peace; but here different sects of Christians have dwelt together in unity, each recognizing the equal rights of others. In some countries, Jews have been massacred by thousands for the sake of domestic harmony, while here Jews and Christians have dwelt together as neighbors and as equals in the business world, though socially and religiously separate and distinct. And this has been made possible by the Christian principle enunciated by Christ: "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you." Matt. 5:44. Have National Reformers, now springing into renewed activity, anything better to offer than the words of our Lord?

C. P. B.

### News and Comment

THE Methodist Conference of New Jersey, on September 29, 1934, according to the *New York Times*, "voted to ask all political candidates in the State a series of questions as to their attitude on Sunday closing." Thus far the Methodists and Presbyterians of New Jersey have succeeded through the church boycott at the polls from having the Sunday blue laws of New Jersey liberalized or repealed. The New Jersey Sunday law prohibits all but sacred music on Sunday, all "diversions" and recreation, and all travel except going to and from church.

THE Missoula, Montana, city council passed a new Sunday closing ordinance, making it unlawful for barbershops to be open New Year's Day, Decoration Day, July 4, Labor Day, Thanksgiving Day, Christmas, holidays, and also on Sundays. The barbershops are also forbidden to be open before 8 A. M. and after 6 P. M. on all week days. No wonder the barber business is losing considerable of its former trade, if a man cannot get a shave before 8 A. M. and



after 6 P. M. The only men who have time to get shaved now are the unemployed and vagrants. The fine for shaving or cutting a man's hair before 8 A. M. or after 6 P. M. or on holidays and Sundays, is \$5 for the first offense and \$50 for each subsequent offense. The best way to defeat such ridiculous laws is for every patron of a barbershop to learn to shave his own face, and do it. Not long ago, Montana virtually repealed all its Sunday observance laws.

ATTORNEY GENERAL GORDON MCG. SLOAN, K. C., told the members of the provincial Vancouver board of the Retail Merchants' Association of Canada that he would enforce the Lord's Day Act by the issuance of a fiat, if they requested it. This act requires everybody to observe Sunday on a strictly religious basis. Canada has a state religion, and therefore enforces religious obligations upon all citizens alike, irrespective of what their religious faith may be.



### Tennessee Sunday Law Tested

**A**N Associated Press report under date of June 18, taken from the *Chattanooga Times*, states that Charles Mensing, an operator of a Memphis theater, was fined \$25 in city court, on a charge of operating a theater in defiance of the Tennessee Sunday blue laws prohibiting shows. He appealed his case to the higher court in a "test" of the constitutionality of the law.

The grand jury of Shelby County, however, refused twice to indict Mr. Mensing for operating his theater free of admission charge on Sundays. The city attorney in the meantime rearrested Mr. Mensing each Sunday, and said he would continue to do so until the grand jury indicted him or the Tennessee Legislature repealed the Sunday law. The chancery court also granted a temporary injunction to the manager of the theater, restraining the city of Memphis from "undertaking to declare the license of the theater forfeited."

Patrons were allowed to attend the theater free of charge by paying 40 cents for a sandwich. Mr. Mensing contends that since he did not charge an admission fee for the show, he did not violate the Sunday law, which states that shows cannot operate on Sunday where compensation is received. The report says everybody had a good time, even the police who enjoyed the repast.

Mr. Mensing's position is that the Sunday law prohibits the operation of a Sunday show for which compensation is received, but that the law does not prohibit the restaurant business.

"I was in the restaurant business today with a license to operate a restaurant, and the patrons did not pay to see the show, and did not have to see the show," Mr. Mensing told the court.

One Memphis hotel and an exclusive club have been showing movies free to their Sunday night dinner guests, and Mr. Mensing contends he has the same right.

Tables laden with sandwiches and cold drinks filled the lobby, and the patrons paid 40 cents for the lunch and cold drinks, which were served to them by waitresses in their spick-and-span white uniforms.

Mr. Mensing says he will appeal the case to the Supreme Court as a "test" of the law, if it becomes necessary to go that far. In the meantime the show operates each Sunday under the above plan till the case is finally settled. Thousands are attending every Sunday. We are anxious to learn what decision the Supreme Court will render in this case, in the event it is carried up.

The higher courts have been inclined to rule in favor of the liberal tendencies of the times, whenever they could do so upon some technicality of the law. But it should not be necessary for the courts to rule in favor of a more liberal Sunday by taking advantage of some technicality in the law. These Sunday laws are so obviously religious in their very nature and so un-American and un-Christian in principle, that a court



*Shall we have*

## RELIGIOUS LIBERTY

OR

## RELIGIOUS OPPRESSION

*in America?*

**S**END for the book, "Religious Liberty in America," by C. M. Snow, which deals with the growth of the principles of religious and civil liberty from the beginning of the Christian era down to our own time. It shows how the two principles, religious liberty and religious oppression, have run side by side through the history of nations, the one building up the true kingdom of Christ and the other making martyrs of Christ's true followers. The planting of those two principles on the shores of the New World, and the struggle between them for dominance here, is pictured in interesting detail. Considerable space is devoted to the growth and work of such un-American and oppressive organizations as the National Reform Association, the Lord's Day Alliance, and the Federal Council of the Churches; how these forces propose to unite, and are uniting, for the enforcement of oppressive legislation. The author shows how this combination of forces is working directly to fulfill their desires and purposes for a virtual union of church and state in America, with men ruling in the name of God. The closing chapter, "Heaven's Answer to Earth's Great Problem," shows how God will work out the problem by the establishment of His kingdom in this sin-smitten world. Paper covers, 436 pages, fully illustrated.

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should have no difficulty in declaring them unconstitutional and void.

If a person wants to go to a theater or a baseball game on Sunday, that is his own business, and nobody else's business. It is a matter of conscience between the individual and his God, and the state has no business to regulate matters of this kind so long as the rights of the public are not infringed upon or molested. A religious obligation should never be defined nor enforced by a civil law or a civil magistrate. C. S. L.



### Freedom of Conscience in Education

**T**HE convictions of students in the great universities with respect to forced military training will not down. Another appeal has been made to the Supreme Court of the United States, this time in behalf of two students who were suspended from the University of California because they refused to submit to compulsory military drill. Commenting on this case, the *Washington Daily News* of October 18, under the heading "For a Free Conscience," has this to say:

"Before the U. S. Supreme Court is an appeal of two student conscientious objectors who were suspended from the University of California because they refused to drill under the student R. O. T. C.

"This case differs from one brought on similar grounds last year by a University of Maryland student. The high court refused to take Federal jurisdiction in that case, but it was asked only to interpret a Maryland statute.

"Counsel for the California students appeals on a higher ground, that in refusing education without military drill the University of California is denying religious freedom as guaranteed by the Constitution. It is interesting that their attorney is John Beardsley, who in 1931 argued the case of Yetta Stromberg, convicted under the California 'red flag law.' In ruling against California then, the U. S. Supreme Court, for the first time, invalidated a State law in order to protect the constitutional principle of free speech. Now Mr. Beardsley is asking the high court to void a university ruling to protect freedom of conscience.

"Public opinion is with these students. Backing them are many church organizations, in-

cluding their own Methodist denomination. In the last ten years, sixty-five institutions of learning dropped military training, and fourteen made it an elective course.

"Goose-step education is not education."

It is our opinion that governments always do well to recognize and respect the conscientious convictions of their citizens. Judging by the appalling amount of crime that we have, it is time that a premium be put upon tender consciences. Nations have much less to fear when the citizenry are accustomed to listen to the still small voice, even though some positions taken may seem extreme, than when the ear becomes dull to the quiet promptings of conscience.

H. H. V.



### Sparks From the Editor's Anvil

WE are not saved by the grace of gold, but by the grace of God.

WHAT many call "orthodoxy" is but a mere fetish, superstition, and tradition.

A MAN cannot be spiritualized by coercing his conscience in religious matters.

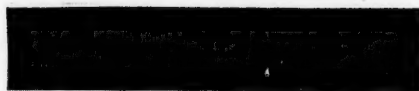
A PULPIT ceases to be spiritual and inspirational when it becomes political and legalistic.

It is more honorable to die a martyr in a righteous cause, than to live the life of a fat slave.

Do not cast pearls before swine, nor give counsel to a fool; for neither has wit enough to appreciate the value of either.

A CREED that appeals to the policeman's club to advance its tenets, instead of the power of God, originates in the human and not the divine mind.

JUST as soon as an inventor produces an egg-laying machine as a substitute for the real hen, we shall have faith in the government producing a state religion as a substitute for real Christianity.



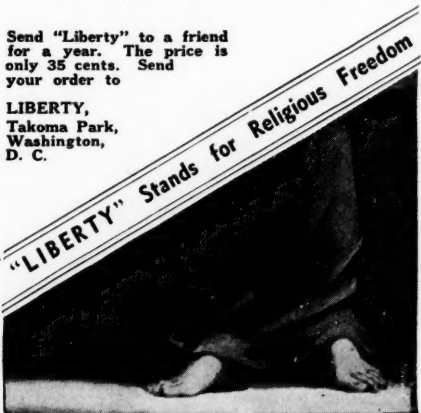
**ETERNAL VIGILANCE**  
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The forces of intolerance and oppression are still active in the world, and if we are to maintain our heritage of freedom, a rededication of ourselves to its principles is imperative.

The enlightenment of the rising generation to their privileges and responsibilities in carrying forward the torch of liberty is the duty of every true American.

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# OUR FLAG

By W. S. Ritchie

OUR flag up in the heaven's blue is flying;  
But in my heart there is a fear,  
As I sit and ponder here,  
That beneath its silken fold  
Men have turned to gods of gold,  
And love of truth is dying.

Our flag still waves when comes the  
morning light;

Yet to my soul there comes a doubt  
That stays my hand and stills my  
shout.

I ask, Is that now coming on  
Foretold by the great Washington,  
When altered aims would turn our  
eyes

And lose from view the greater prize?  
Are those declining days now come  
When, like ancient Greece and Rome,  
Earth's sordid treasures, heaping  
higher,

Are smothering out the sacred fire,  
And nation's glory's fading from our  
sight?

Our flag still waves up in the heavens  
blue;

But can I bear to see the day  
When nation's flag floats o'er decay?  
Would that we had the lesson learned,  
And gods of fallen nations spurned;  
Would that we had the vigils kept  
When true wealth vanished while we  
slept.

There is no place, there is no land,  
For freedom's flag to make new stand.  
The scroll of time unrolls no more  
Upon a farther western shore;  
When truth fails here, we must appeal  
To Him who all earth's ills can heal;  
When man has failed, then is His time  
to do.

